

OFFICE OF PLANNING STATE OF HAWAII

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

LAND USE COMMISSION
STATE OF HAWAII

2019 JAN 29 A 8:49

DAVID Y. IGE
GOVERNOR


LEO R. ASUNCION
Planning Program Administrator II
OFFICE OF PLANNING

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <http://planning.hawaii.gov/>

DTS201901280714BE

January 28, 2019

TO: Daniel Orodener, Executive Officer
State Land Use Commission

FROM: Leo R. Asuncion, Planning Program Administrator II 

Subject: DR18-64 Petition for Declaratory Order to Designate Important Agricultural Lands, Kunia, Oahu

We wish to correct for the record an inaccurate statement made by the attorney for Petitioner, Robinson Kunia Land LLC, in his letter of January 16, 2019 for the subject Declaratory Order.

In his letter responding to agency comments, the erroneous statement is made that:

“Although the City has submitted its mapping, issues regarding City incentives are still pending. It seems rather disingenuous to suggest that the ADTF will resolve issues regarding incentives in early 2019. More importantly, the LUC designation through the County process cannot occur until three years after enactment of **County** incentives.” (emphasis added).

To the contrary, the LUC designation through the county process can occur at any time now. See the following relevant provisions.

- HRS Section 205-49(d), **Designation of important agricultural lands; adoption of important agricultural lands maps**, provides that:

“(d) The land use commission may designate lands as important agricultural lands and adopt maps for a designation pursuant to:

(1) A farmer or landowner petition for declaratory ruling under section 205-45 at any time; or

(2) The county process for identifying and recommending lands for important agricultural lands under section 205-47 no sooner than three years, after the enactment of legislation establishing incentives and protections contemplated under section 205-46, as provided in section 9 of Act 183, Session Laws of Hawaii 2005.”

Mr. Daniel Orodener
January 28, 2019
Page 2

- Act 233, Session Laws of Hawaii 2008, the State agricultural incentives package, which took effect July 1, 2008, provides in Section 13:

“The legislature declares that this Act establishes incentives for the designation of important agricultural lands in satisfaction of section 205-46, Hawaii Revised Statutes, and section 9 of Act 183, Session Laws of Hawaii 2005.”

As legislation was enacted in 2008, LUC designation through the county process can occur any time after 2011, three years after the incentives legislation was enacted.

We appreciate the opportunity to provide this clarification for the record.